IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3677 of 2007()

CRIME NO.118/07 OF VELLATHUVAL POLICE STATION.

PETITIONER/ACCUSED

S.A.M.SAJJAD, S/O.SAIYED AIMATHULLA,
AGED 37 YEARS, MANAGING DIRECTOR, HIGH LAND
COTTAGES LTD., REGD.OFFICE, 5-8-107, IST FLOOR,
NAMPALLY STATION ROAD, HYDERABAD - 1.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS: COMPLAINANT & STATE

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
VELLATHUVAL POLICE STATION,
(CRIME NO.118/07 VTL).

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 3677 OF 2007

Dated this the 2nd day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the Managing Director of a Private Limited Company having its Registered Office at Hyderabad. The petitioner claims to be a bona fide purchaser of land in Munnar. After purchasing the land, the petitioner had allegedly put up resorts in the property.

2. As part of an attempt to identify the lands belonging to the the Government which is in the illegal possession of private individuals, a drive has been undertaken by the Government and in that, it is alleged that it has been realised that the land purchased by the petitioner really belongs to the Government. Action has been taken against the petitioner. The resorts constructed have all been demolished by now, it is

submitted. The grievance of the petitioner is that in addition to this loss suffered by him now, a criminal complaint has been filed against him alleging the commission of offences punishable, inter alia, under Secs.420 and 471 of the IPC. The learned counsel for the petitioner submits that even if the entire allegations were accepted all that turns out is that the petitioner had purchased the land from another person and whose predecessor, in turn, claimed title on the basis of a patta issued by the Government which has subsequently been revoked and cancelled by the authorities now. In any view of the matter, the petitioner cannot be attributed with culpable responsibility for any of the alleged irregularities, submits the learned counsel for the petitioner.

3. Notice was given. The learned Director General of Prosecution has entered appearance on behalf of the respondent/State. The learned Director General of Prosecution, without prejudice to the contentions of the complainant/State submits that the State has no objection against the grant of anticipatory bail to the petitioner subject, of course, to appropriate conditions which shall ensure the

interests of a fair, efficient and expeditious investigation.

4. In the nature of the stand taken by the learned Director General of Prosecution, it is unnecessary to advert to the facts in any greater detail. Suffice it to say that I am satisfied that directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner.

5. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 9/7/2007. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 10/7/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 26/6/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 9/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge